IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24634 of 2004

Between:

Gunnikuntla Satyanarayana Rao, s/o G.Bharatha Rao,
(as per S.S.C.Marks Sheet), Occ:Panchayat Secretary,
Rachetivaripalli Village, Nimmanapalle Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector/Registrar of Births and Deaths, Chittoor,

Chittoor District.
2 The Director, Board of Secondary School Education, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly, one in the nature of Writ of Mandamus declaring the inaction of the respondent in taking any action for the change of date of birth in 10th Class Marks Certificate, and in other relevant service documents of the petitioner as illegal, arbitrary and consequently direct the respondent to change the date of birth of the petitioner as 01.11.1952 instead of 22..04.1950 in 10th Class Marks Certificate and other relevant documents of the petitioner.

Counsel for the Petitioner: MR.S.S.BHATT

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 24634 of 2004

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O r d e r:

The petitioner is working as Panchayat Secretary of Rachetivaripalli village in Nimmanapalle Mandal of Chittoor District. It is his case that his date of birth is 1-11-1952, but inadvertently and oversight, in the Secondary School Certificate issued to him by the Board of Secondary Education, his date of birth was wrongly recorded as 22-4-1950, and that though he made representations in succession to the respondents and the educational authorities concerned seeking correction of his date of birth, no action had been taken thereon. Hence, he filed the present writ petition seeking a direction to the respondents to correct his date of birth from 22-4-1950 to 1-11-1952, contending that if the respondents fail to correct his date of birth, he would be retired two years in advance, which would cause him irreparable loss.

No relief as prayed for by the petitioner in the writ petition can be granted. As can be seen from the xerox copy of Secondary School Certificate produced by the petitioner, he had passed the S.S.C. Examination in the year 1973, and if according to the petitioner, the Board of Secondary Education has inadvertently and by oversight had wrongly recorded his date of birth in the Secondary School Certificate issued to him, he should have taken immediate and appropriate steps for getting his date of birth corrected in the Secondary School Certificate, as provided for under the Rules governing thereof. Mere making representations in succession to the

authorities concerned seeking correction of his date of birth on the basis of the record available in the Gram Panchayat, and on their failure to consider the same, is not a ground to entertain the writ petition and direct the respondents to correct the date of birth as sought by him, and that too at the fag end of his service. If the authorities concerned had not acted on his representations in time, nothing prevented the petitioner from availing the legal remedies available to him in law at an earlier point of time, and having kept quiet for about more than 30 years, had approached this Court by this writ petition, which is liable to be dismissed for laches, and more so when as per the provisions of G.O. Ms. No. 898, dated
29-8-1977, for correction of date of birth, one has to approach the authorities concerned within three years from the date of issuance of certificate.

In the result, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 1st February, 2005.

KSR

To

1 The District Collector/Registrar of Births and Deaths, Chittoor,

Chittoor District.
2 The Director, Board of Secondary School Education, Hyderabad.

3 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

4 2 CD copies

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